

REMARKS

This Amendment C for RCE is in response to the Final Office Action of May 7, 2007 in which claims 1-3, 5-10, 14, 15, 17, 19-33, 36 and 37 were rejected and claims 4 and 18 were objected to and further in response to a telephone interview with the Examiner on May 30, 2007. Claims 1, 20 and 32 are amended to clarify the invention and the changes are fully supported by the specification.

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Claims 1-3, 5-15, 19-33, 35 and 36 were rejected under 35 U.S.C. 103(a) as being unpatentable over Change et al. (US Pub 2004/0177212 in view of Ban (US Patent 6,732,221).

Claim 17 was rejected under 35 U.S.C. 103(a) as being unpatentable over Change et al. (US Pub 2004/0177212) and Ban (US Patent 6,732,221) and further in view of Khalid et al (US Pub 2003/0012661).

The Examiner practically repeated the same arguments as in the Office Actions of January 3, 2007 and August 10, 2006. The Applicant disagrees with the Examiner's rejections and refers to arguments made by Applicant in Communications submitted to the US Patent Office on January 31, 2007, October 23, 2006 and on May 30, 2006.

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The telephone interview with the Examiner was conducted on May 30, 2007. During the Interview, the Examiner explained in length why he cannot accept "every time" added in claim 1 (and other independent claims) as a distinguishing feature from the prior art, quoted by the Examiner, and could not allow the independent claims. The

problem is in the way the Examiner interpreted "triggering signal" recited in claim 1 (and other independent claims).

The Applicant respectfully disagrees with the Examiner because the claim language should be construed in light of the specification per MPEP guidelines and extensive case law, e.g., see MPEP sections 608.01(o), 2111, 2111.01 and 2173.05(a). In other words, the term "triggering signal" should be construed using the definition provided in the specification.

The "triggering signal" recited in claim 1 and other independent claims of the present invention is not for memory wearing as interpreted by the Examiner using the quoted prior art, but for other purposes as described on page 15, lines 10-15 of the present patent application: "A triggering event causes the triggering signal 26 to be activated. Such a triggering event can be a read or write operation or a clock pulse. Alternatively, the triggering event may be the occurrence of a counter reaching a certain value, the counter counting, for example, read/write operations or clock pulses. Alternatively, the triggering event can be some other occurrence that is dependent or independent of the data."

In other words, the triggering signals recited in claim 1 and other independent claims of the present invention is intended for other purposes/functions (e.g., read or write operation) rather than memory wear leveling and for performing these other purposes/functions independently of the memory wear leveling. In addition to those purposes/functions, according to embodiments of the present invention, the memory wear leveling operation is performed every time this triggering signal is detected,

which is a major novelty feature of the present invention. None of the prior art references quoted by the Examiner describe that feature and the "triggering signal" disclosed by Change et al. or by Ban (in case of Ban, this triggering signal is a direct memory wear level signal generated after successfully going through a 1/1000 probability process as disclosed by Ban in col. 5, lines 28-40, as explained by the Examiner during the telephone interview and which is different from the Applicant's interpretation of the triggering signal of Ban articulated in the previous responses) is specifically for the memory wear leveling purposes which is different from the embodiments recited in claim 1 and other independent claims of the present invention.

Nevertheless, the Applicant would like to further clarify the above consideration and amend independent claims 1, 20 and 32, as submitted herein, to clearly define the functionality of the "triggering signal" as recited in the independent claims 1, 20 and 32 to even more clearly separate these independent claims from the prior art quoted by the Examiner.

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In addition, the Applicant wants to point out that Ban clearly indicates that more frequent use of memory wear leveling (more than 1/1000 probability) is not necessary because it is enough and more frequent memory wear leveling will increase system overhead as articulated by Ban in col. 5 line 53 through col. 6, line 25. Therefore, a person skilled in the art, based on Ban's own statement, would not be motivated to modify Ban's reference in regard to 1/1000 probability to come out with the subject matter of claim 1

and other independent claims of the present invention,  
contrary to what is alleged by the Examiner.

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The objections and rejections of the Office Action of May 7, 2007 having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of all claims to issue is solicited. Consideration and allowance are respectively requested.

Respectfully submitted,



Anatoly Frenkel  
Agent for the Applicant  
Registration No. 54,106

AZF/mef  
June 4, 2007  
WARE, FRESSOLA, VAN DER SLUYS  
& ADOLPHSON LLP  
755 Main Street, P.O. Box 224  
Monroe, Connecticut 06468  
(203) 261-1234